

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Virginia

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:18-CR-89
)	
JERRY CHUN SHING LEE, a/k/a)	
Zhen Cheng Li)	
)	
Defendant)	

CONSENT MOTION TO EXTEND TIME FOR INDICTMENT

The United States of America, by and through its attorneys, Tracy Doherty-McCormick, Acting United States Attorney for the Eastern District of Virginia, and W. Neil Hammerstrom, Jr., Assistant United States Attorney, with the express consent of the defendant, and the defendant's counsel, respectfully moves the Court, for the second time, to extend the time to indict this case for an additional period of 30 days through and including May 10, 2018. The Court previously extended the time to indict the case through April 10, 2018. In support thereof, the parties state as follows:

1. On January 15, 2018, the defendant was arrested in the Eastern District of New York on a criminal complaint filed in the Eastern District of Virginia, charging the defendant with unlawful retention of national defense information, in violation of Title 18, United States Code, Section 793(e). The defendant made an initial appearance before the U.S. District Court for the Eastern District of New York on January 16, 2018 and consented to removal to the Eastern District of Virginia. The defendant appeared in this district on February 6, 2018 for an initial appearance before United States Magistrate Judge Ivan D. Davis. Defendant, a resident of Hong Kong, elected not to seek conditions of pretrial release at that time. The Court ordered pretrial detention of the defendant and granted his motion to continue the case for a preliminary

hearing, which the defendant later waived.

2. The Speedy Trial Act, Title 18, United States Code, Section 3161(b), requires that any indictment against a defendant be filed within 30 days from the date on which the defendant was arrested, subject to excludable time under Title 18, United States Code, Section 3161(h). In this case, the government's estimate of the date by which the Speedy Trial Act requires the filing of an indictment is February 24, 2018.

3. The parties now jointly request an additional extension of 30 days of the deadline for time to indict. Extending this time period for an additional 30 days would be in the best interests of justice in that this case will require additional time for counsel for defendant to review classified evidence in this case under provisions of the court-authorized Protective Order. This will also give defense counsel additional time to meet with the defendant, continue to review both classified and unclassified discovery, and discuss the case with the government.

4. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case for an additional 30 days to May 10, 2018. This waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

5. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.


WHEREFORE, the parties request that the time to indict this case be extended to and including May 10, 2018, and that the delay resulting from this extension be excluded in

computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

Tracy Doherty-McCormick
Acting United States Attorney

By:


W. Neil Hammerstrom, Jr.
Assistant United States Attorney


Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 30 MAR 2018


Jerry Chun Shing Lee
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 3/30/18


Edward B. MacMahon, Jr., Esq.
Nina J. Ginsberg, Esq.
Counsel for the Defendant